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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,486	12/24/2001	Ken Igarashi	3815/146	9280
7590	07/01/2005		EXAMINER	
Brown Raysman Millstein Felder & Steiner LLP 900 Third Avenue New York, NY 10022			BATES, KEVIN T	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 07/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/026,486	IGARASHI, KEN
	Examiner Kevin Bates	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 May 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

This Office Action is in response to a communication made on May 12, 2005.

Claims 1-8 have been amended.

Claims 1-8 are pending in this application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Dowling (6574239).

Regarding claims 1, 3, 5, and 7, Dowling discloses a proxy service control method for executing a service on a proxy server control apparatus connected between a user's terminal and a server (Column 12, lines 1 – 14) on behalf of an application in said user's terminal (Figure 2, element 215 and 220), said service being provided on a session get between said application and said server (Column 10, lines 44 – 47), the method being characterized by comprising: a storage step of storing session information on said session in response to said user's request (Column 10, lines 16 – 29); a monitor step of monitoring whether or not said session is being continued

between said application and said server (Column 9, lines 28 – 39); a proxy step of continuing a session said server and said proxy service control apparatus on behalf of said application on the basis of said session information stored in said storage step if it is determined in said monitor step that said session has been interrupted (Column 9, lines 40 – 60); and a transfer step of transferring service results received in said proxy step, from said proxy service control apparatus to said application (Column 9, lines 56 – 60).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling in view of Jamtgaard (6430624).

Regarding claims 2, 4, 6, and 8, Dowling does not explicitly indicate that the system comprises a detection step of detecting an ability of said application to receive said service and a conversion step of converting said service results received in said proxy step, into a different reception form on the basis of said ability detected in the detection step and in that said transfer step transfers said service in said reception form converted in said conversion step. Jamtgaard teaches a proxy system that acts as a conversion system between a server and a user device (Column 2, lines 54 – 59).

Jamtgaard's system discloses a detection step of detecting an ability of said application

to receive said service and a conversion step of converting said service results received in said proxy step, into a different reception form on the basis of said ability detected in the detection step and in that said transfer step transfers said service in said reception form converted in said conversion step (Column 2, line 60 – Column 3, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Jamtgaard's formation conversion system in Dowling's proxy server in order to allow one content server to provide content for any combination of devices, protocols, and mark up languages (Column 1, line 60 – Column 2, line 3).

***Response to Arguments***

Applicant's arguments filed May 12, 2005 have been fully considered but they are not persuasive.

The Applicant argues that the reference Dowling, does not disclose continuing a session between said server and said service control apparatus on behalf of said application if it is determined that the session between the application in said user's terminal and a server has been interrupted. The examiner disagrees, as seen in the applicant's remarks (Page 7 of the amendment received May 12, 2005), the reference Dowling discloses that a virtual session communication path established between the remote unit and the virtual session server that can remain in a deactivated state if communication between the remote unit and the application is halted, thus interrupted (Column 9, lines 28 – 39). The system is designed to keep the connection present even with no communication so when the client reconnects to the application, the virtual session is reactivated, thus continued and never taken down (Column 9, lines 40 – 60).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

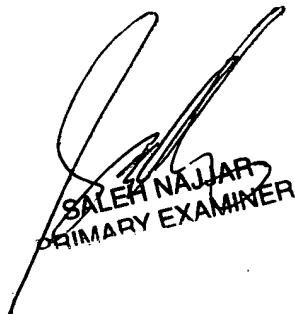
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

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June 29, 2005



A handwritten signature in black ink, appearing to read "SALEH NAJJAR". Below the signature, the words "PRIMARY EXAMINER" are written in capital letters.